IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.270 OF 2006

Somnath Namdeo Sonawane .. Petitioner.
Vs.
State of Maharashtra .. Respondent.

Mr.Katkade i/b V.Nirmala for the petitioner.
Mr.R.Y.Mirza A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 25TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Rule, returnable forthwith. By consent of the parties taken up for final hearing.

3. This revision is directed against the conviction of the petitioner under section 279 and 304-A of I.P.C. Under section 279 of I.P.C. the trial Court had sentenced the petitioner to suffer S.I. for six months and to pay fine of Rs.1,000/- and in default to suffer S.I. for 15 days and under section 304-A of I.P.C. he was sentenced to suffer S.I. for two years and to pay a fine of Rs.1,000/- and in default to suffer S.I. for three months. The

conviction was maintained by the appeal court in the appeal filed by the petitioner. However, under section 279 the sentence was reduced to one month and under section 304-A to six months. It is against this judgment and order the petitioner has preferred instant revision application. It is true that in the alleged accident one person died and other sustained injuries. The offence has been proved against the petitioner. On perusal of the impugned judgment I found that after the accident, the petitioner himself carried both the injured to the hospital. It is against this backdrop the learned counsel for the petitioner fairly stated that he has instructions not to press this revision application on merits and he further submitted that the petitioner will be satisfied if the sentence is reduced to undergone by enhancing the fine to some extent to be paid to the victims. Mr.Mirza, learned A.P.P. did not seriously opposed the prayer made by the petitioner. Keeping that in view and considering the overall facts and circumstances of the case I am satisfied that the following order shall meet the ends of justice:

(i) The revision application is partly allowed.

(ii) The conviction under section 279 and 304-A of I.P.C. is maintained. However, the sentence stands

modified as under:

(a) Under section 279 of the I.P.C. the petitioner is sentenced to suffer S.I. for one month and to pay fine of Rs.5,000/- within four weeks from today and in default to suffer S.I. for one month.

(b) Under section 304-A of I.P.C. the petitioner is sentenced to suffer S.I. for two months and to pay fine of Rs.10,000/- within eight weeks from today and in default to suffer S.I. for one month.

(c) On payment of the amount of fine, as aforestated, Rs.5,000/- be paid to the injured - Somnath Bhandange and Rs.10,000/- be paid to the wife of deceased i.e. P.W.1 - Vimalbhai Somnath Bochare. The trial Court shall ensure that the amount of fine, if deposited, would be paid to the respective persons as aforestated.

. The revision is disposed of.

(D.B.Bhosale, J.)